

REMARKS

The Office Action of September 27, 2004 presents the examination of claims 1-16. The present paper cancels claims 1-16 and adds 17-46 directed to the same subject matter. This method of amendment was chosen for its editorial simplicity.

Support for the new claims

Claim 17 is an amended version of original claim 1 and claim 24 is an amended version of original claim 9. The amendments are supported by the specification at e.g., page 6, lines 19-23 (in or on material, binding to material) and page 18, line 19 (color development). Claims 18-23 correspond to original claims 2-6. Claims 26-31 represent the original claims 10-16, with amendment to include the features of claim 17. Claims 32-45 are supported by the specification at, e.g. page 7, lines 28-32, page 9, lines 14-17, page 9, line 29 to page 10, line 2, page 10, lines 4-6, page 11, lines 9-12, page 11, lines 24-27, page 13, lines 14-15, page 17, lines 10-12, page 18, lines 19-25, page 18, line 30 to page 19, line 29, page 20, lines 5-23 and page 22, lines 21-31. Claim 46 is supported by the specification in the same manner as claim 17, with additional disclosure at, e.g. page 7, lines 9-13.

Rejections under 35 U.S.C. § 112, second paragraph

Claim 5 stands rejected under 35 U.S.C. § 112, second paragraph as being indefinite in reciting a broad range for a parameter together with a preferred, narrower range. Claim 5 has been canceled, rendering this rejection moot. The new claims 17-46 do not present this issue.

Rejections over prior art

Claims 1, 2, 4-6, 9, 10, 12, 13 and 15 stand rejected under 35 U.S.C. § 102(b) as anticipated by Sterns '252. The rejected claims are canceled rendering the rejection moot.

Applicants submit that the new claims 17-26 are novel over the disclosure of Sterns '252. Sterns '252 discloses that a substance is applied to the teeth, and then a diagnostic result is developed upon the surface of the teeth. In contrast, the presently claimed material is one in which a diagnostic result is visualized within or upon the material itself.

The present invention is thus distinguished from what is disclosed by Stearns '252 and the instant rejection should be withdrawn.

Claims 1-5 and 9-12 are rejected under 35 U.S.C. § 102(e) as anticipated by Kostl '277. The rejected claims are canceled, rendering this rejection moot. Applicants submit that this ground of rejection does not apply to the presently pending claims.

Kosti '277, like Stearns '252, discloses a material that is applied to the teeth and then a diagnostic result is visualized upon the surface of the teeth. The present invention is distinct from what is disclosed by Kosti '277 in the same manner that it is distinct from the disclosure of Stearns '252. Accordingly, the instant rejection should not be applied to the present claims.

Information Disclosure Citation

The Examiner has not provided Applicant with an initialed copy of the PTO-1449 form filed with the Information Disclosure Statement filed December 11, 2001. An initialed copy thereof is respectfully requested from the Examiner with the next Office Action (communication).

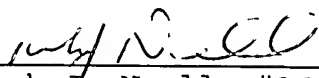
The present application well-describes and claims patentable subject matter. The favorable action of allowance of the pending claims and passage of the application to issue is respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mark J. Nuell (Reg. No. 36,623) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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